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Dated: August 20, 2008

Signature: /David A. Gass #38,153/  
(David A. Gass)

Docket No.: 28079/41785  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David A. Fischhoff et al.

Application No.: 08/434,105

Confirmation No.: 2627

Filed: May 3, 1995

Art Unit: 1638

For: SYNTHETIC PLANT GENES AND METHOD  
FOR PREPARATION

Examiner: A. R. Kubelik

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is filed in response to an Office Action dated February 20, 2008, in which claims were rejected. Reconsideration is respectfully requested.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments** begin on page 22 of this paper.

This paper is accompanied by a Rule 132 Declaration of Dr. James A. Baum and a petition and fee for three months extension of time. Any fees due but unpaid in relation to this submission may be charged to Marshall, Gerstein & Borun deposit account No. 13-2855 under order number 28079/41785.